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Project No: 6079

Project Name: Main Sewage Pump Station Site Improvements

**AMENDMENT NO. 3 TO AGREEMENT
FOR CONSULTATION OR OTHER SERVICES**

This Amendment is entered into this 3rd day of January, 2006, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and Lowney Associates, (hereafter referred to as "CONSULTANT").

RECITALS

WHEREAS, the parties entered into an Agreement for professional consulting for the Main Sewage Pump Station Site Improvements, Project 6079, on April 20, 2004; and

WHEREAS, the parties agreed to amend said agreement on August 3, 2004, to allow CONSULTANT to provide services relating to the Milpitas Library Design, Project 8162 as identified in Amendment No. 1; and

WHEREAS, the parties agreed to amend said agreement on September 22, 2004, to allow CONSULTANT to provide services relating to the Main Sewage Pump Station Site Improvements, Project 6079, relating to demolition work (phase I) as identified in Amendment No. 2; and

WHEREAS, the demolition work was successfully completed without need of the services identified in Amendment No. 2 and the fee allowance remains unexpended; and

WHEREAS, the parties desire to further amend the Agreement to allow CONSULTANT to provide professional geotechnical services necessary to design Phase II site improvements and complete Project 6079;

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. Section 1, entitled "Services", is hereby amended by adding Exhibit "AM-A3", which is attached hereto and incorporated by reference herein. The scope of services identified in Exhibit "AM-A3" hereby supersedes and replaces the scope identified in Exhibit AM-A2, in Amendment No. 2.
2. The term of the Agreement noted in Section 1.1, entitled "Term of Services", is hereby amended to provide an expiration date of December 31, 2006.

3. Section 2, entitled "Compensation", is hereby amended to add Exhibit "AM-B3", which is attached hereto and incorporated by reference herein. The compensation identified in Exhibit "AM-B3" hereby supersedes and replaces the compensation identified in Exhibit AM-B2 in Amendment No. 2. No additional funding is added to the contract, and the total amount of contract funding remains unchanged.
4. The Consultant agrees to maintain and pay for all insurance policies as stated in Section 4, entitled "Insurance Requirements", of the Agreement dated April 20, 2004, between Consultant and the City of Milpitas. The Consultant shall provide the City with renewal certificates of the current policies upon the expiration of the current policy.
5. All other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date written above.

APPROVED BY:

CITY OF MILPITAS:

CONSULTANT:
Lowney Associates

City Engineer as to Content

City Attorney as to Form

City Manager

ATTESTED BY:

City Clerk

EXHIBIT AM-A3

SCOPE OF SERVICES MAIN SEWAGE PUMP STATION SITE IMPROVEMENTS PROJECT 6079, Phase II, Design Phase Services By Lowney Associates

Introduction

The City of Milpitas is undertaking design of Main Sewage Pump Station Site Improvements and corporation yard project. The improvements are a second phase of work and located at 1425 North McCarthy Boulevard, Milpitas. Proposed improvements include a one-story modular operations building, grading and drainage improvements, underground utility work, and new asphalt and concrete pavements. Additional features include driveways, equipment parking, landscape swales and planter beds, and storage bin locations. Future construction may include additional indoor/outdoor storage, wash rack, fuel island, paving, parking and/or planter areas. The operations building is anticipated to be approximately 1400 square feet. A covered concrete pad will be used for parking oversized maintenance vehicles and a work area.

Project Team

Lowney Associates' team for this project will consist of Laura c. Knutson, P.E., G.E. and Erin Standley, Staff Engineer. Scott E. Fitinghoff, P.E., G.E., Geotechnical Area Manager, will provide quality assurance review.

SCOPE OF GEOTECHNICAL SERVICES

Task A: Geotechnical Investigation

Task A.1: Field Exploration

Lowney will drill, log and sample two to three exploratory borings with truck-mounted, hollow-stem auger drilling equipment to depths of about 25 feet. Lowney will obtain relatively undisturbed soil samples from the borings for visual classification and laboratory testing. This task is to further characterize the subsurface conditions in the area of the operations building and the covered work area.

Lowney will mark the borings and notify City and Underground Service Alert (USA) prior to beginning field work so that public and private underground utilities can be identified. For the purpose of this agreement, it is the responsibility of utility owners to mark their utilities. To reduce risk of damaging unidentified underground utilities during drilling, Lowney will also contract with a private utility locator. Santa Clara Valley Water District (District) requires an encroachment permit for any work within 50 feet of a District facility, including the adjacent Coyote Creek. Borings will be permitted and backfilled with cement grout in accordance with District guidelines.

This scope of services does not include assessment of hazardous substances at the site. In the event that suspicious subsurface materials are encountered visually or by odor in the geotechnical test borings, such borings will be immediately terminated and Lowney will notify City as soon as possible. City and Lowney will confer and determine whether to continue, modify, or cease the remainder of the drilling program and whether an environmental assessment should be considered. Any added costs incurred due to encounter of suspected hazardous substances will be handled on a time-and-materials basis as an additional service beyond the established fee for the site investigation work.

Task A.2: Laboratory Testing

Lowney will conduct laboratory testing on the sampled soils to evaluate the engineering properties. The testing will include:

- a. moisture contents and dry densities
- b. plasticity index (PI) tests on a representative surficial soil samples to evaluate expansion potential
- c. sulfate tests for corrosion evaluation of concrete foundations
- d. other tests to aid in analysis of settlement, bearing capacity liquefaction potential, and/or other geotechnically related items.

For cost efficiency, Lowney will incorporate the information collected during Lowney's previous subsurface exploration at the site.

Task A.3: Office Studies

Lowney will review field and laboratory data and perform engineering analysis to evaluate site earthwork, the operations building foundation, and pavements. Lowney will update the existing June 24, 2004 report to include the results of the current investigation and Lowney's conclusions and geotechnical recommendations for design of the proposed operations building. Lowney's report will include a site plan, boring logs, and laboratory test data in addition to the information noted below. A final color, signed, wet-stamped report copy will be provided to City in electronic format as acceptable to City to facilitate reproduction and distribution of the report, as well as four wet-stamped hard copies.

Site Conditions: Lowney will review and summarize the surface, subsurface, and groundwater conditions and the engineering properties of the soils encountered during the site investigation.

Geologic Hazards: Lowney will discuss on a reconnaissance level, the potential geologic hazards at the site, including liquefaction, lateral spreading, flooding, differential seismic compaction, fault rupture, and ground shaking. As noted in the June 24, 2004 report, the area of the operations building will likely be subject to liquefaction and potential ground rupture such as sand boils. The additional borings in this area will further define the limits of the shallow liquefaction area.

Seismicity: Lowney will discuss the regional seismicity including regional active faults, maximum estimated ground shaking, and future earthquake probabilities. Lowney will provide a regional fault map showing the proximity of the site to major Bay Area faults within a 100-km radius of the site. Lowney will provide seismic

coefficients for design based on Chapter 16, Division V of the 1997 Uniform Building Code.

Foundations: Utilizing the data collected during the investigations, Lowney will recommend suitable foundation types for the proposed operations building and canopy over the covered work area, addressing the liquefaction and ground rupture potential in the area. Lowney will also provide foundation design criteria including recommendations for minimum size, embedment depth, allowable vertical and lateral capacities, and expected total and differential settlements.

Slabs-on-Grade: Lowney will present slab-on-grade criteria, including recommendations for subgrade preparation, minimizing moisture rise through slabs-on-grade, and if necessary, nonexpansive fill.

Earthwork: Lowney will present earthwork criteria, including recommendations for clearing and site preparation, subgrade preparation, compaction, materials for fill, temporary cut and fill slopes if needed, utility trench backfill, surface drainage and landscaping considerations, as necessary.

Pavements: Lowney will provide flexible asphalt concrete pavement sections for traffic indices as will serve City needs for the corporation yard setting. Pavement design will be based on results of previous R-value testing, expected properties of import soils, and current geotechnical analyses. Lowney will provide Portland cement concrete pavement sections as well.

Task B: Meetings & Consultation

Lowney will attend project meetings and/or provide supplemental consultation. The fee estimate assumes 14 hours of senior project engineer time.

Task C: Plan Review

Lowney will review geotechnical aspects of the project plans. Lowney will review structural and civil plans for each component and provide written comments. The fee estimate assumes 9 hours of staff engineer time and 12 hours of senior project engineer time.

SCHEDULE

Lowney will schedule work upon receiving City approval. The schedule is based on obtaining encroachment permit(s) within 2 weeks, but the actual time may vary depending on agency processing time. The approximate schedule is as follows:

Geotechnical Investigation

Weeks 1 & 2:	Permitting
Week 3:	Mark boring locations, notify USA, private utility locator service
Week 4:	Field exploration, lab testing
Week 5:	Engineering analysis, report preparation, drafting, draft report
Week 6:	Quality Assurance review, issue final report

EXHIBIT AM-B3
COMPENSATION
PROJECT 6079, CONSTRUCTION PHASE SERVICES
by Lowney Associates

Task A: Geotechnical Investigation

Estimated Fee: \$8,900

Task B: Meetings & Consultation

Estimated Hours: 14 hours Senior Project Engineer

Estimated fee: \$2,300

Task C: Plan Review

Estimated Hours: 12 hours Senior Project Engineer, 9 hours Staff Engineer

Estimated Fee: \$3,000

Reimbursable Expenses

Allowance: \$1,000

Additional Services Allowance

Additional services require advance approval by the City, in writing.

Additional Services Allowance: \$9,700

Optional Additional Service: Soil Corrosion Evaluation

Lowney can perform a soil corrosion evaluation for the site to evaluate the impact of underground utility lines, if desired by City. Lowney will submit samples collected from the borings at depths of 2 to 10 feet to an analytical laboratory for resistivity testing. The results of testing will be used to characterize the relative corrosion potential of the in-place soil. The results of lab testing will be included in the geotechnical report. This service is estimated to cost \$700.

TOTAL NOT-TO-EXCEED FEE: \$24,900